

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the	)	
relation of State Engineer,	)	
	)	
Plaintiff,	)	
	)	69cv07941-BB-LFG
-v-	)	
	)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,	)	
	)	Section 3, Rio Nutrias
Defendants.	)	
_____	)	

**INTER SE OBJECTIONS**  
**OF FILIBERTO AND DOMITILIA L. ULIBARRI**  
**TO PROPOSED DECREE OF WATER RIGHT**  
**OF LUCIA A. AND ROBERT J. MONTOYA**

COME NOW Filiberto and Domitilia L. Ulibarri, pursuant to the Court's Notice of Proposed Partial Final Judgment and Decree on Surface Water Irrigation Rights in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System filed July 21, 2011 ("Proposed Decree") (Document No. 10519), and hereby file the following objections to the Proposed Partial Final Decree, which incorporates the Consent Order entered April 10, 2002 (Document No. 6649) in Subfile No. CHNU-002-0014 ("Consent Order"):

1. The amount of acreage with appurtenant water rights under Subfile No. CHNU-002-0014 described in the Proposed Decree and in the Consent Order is in error. The Proposed Decree and Consent Order recognize an additional three acres with appurtenant water rights not found for the same property by Hydrographic Survey Map, Subfile CHNU-002-0014, April 17, 2000. No beneficial use of irrigation water has been made on the additional three acres and no water right should be recognized appurtenant thereto. If at any point in time some irrigation occurred on those lands, any associated water right was forfeited or abandoned long ago.

2. Moreover, the hydrographic survey map for Subfile No. CHNU-002-0014 accompanying the Consent Order and incorporated into the Proposed Decree incorrectly shows a continuation of the Vega Ditch from the adjoining Ulibarri lands described in Subfile No. CHNU-002-0013 and extending to the largest portion of the additional three acres. In fact, the ditch in question is a lateral that serves only the Ulibarri property and does not now and never has extended to and delivered water to the Montoya lands in question. No easement or right of way exists or was ever granted for use by Montoya of the ditch across Ulibarri land.

WHEREFORE, the Ulibarris object to recognition of water rights on the additional three acres and object to any purported right of the Montoyas to extend or make use of the Ulibarris' lateral ditch. The respective hydrographic survey maps for Subfile Nos. CHNU-002-0013 and CHNU-002-0014 should be modified to remove the extension of the ditch.

Respectfully Submitted,

SHEEHAN & SHEEHAN, P.A.  
40 First Plaza N.W., Suite 740 (87102)  
Post Office Box 271  
Albuquerque, New Mexico 87103  
(505) 247-0411  
[jwu@ssslawfirm.com](mailto:jwu@ssslawfirm.com)

***Electronically Filed***

BY: /s/ John W. Utton  
JOHN W. UTTON

Attorneys for Filiberto and Domitilia L. Ulibarri

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 12th day of December 2011, I filed the foregoing electronically through the CM/ECF system, which caused the parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing

/s/ John W. Utton

JOHN W. UTTON